

THE IMPORTANCE OF SPORTS AND TRADEMARKS OF THE REPUBLIC OF NORTH MACEDONIA

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Abstract: *After the dissolution or abandonment of certain alliances of states, each state has its own need to move from one way of functioning to another way of functioning. The transition from one mode of functioning to another mode of functioning is called a transition period. So, we have a similar period of transition in all areas of activity.*

When a period of transition is mentioned in all areas of functioning, it means the transition from federal functioning to independent functioning. There is such a transition in the legal legislation, that is, when a certain union is abandoned or disintegrated, the states must generate their own individual rules on which they will subject their citizens. Of course, those rules must be new and be rules that will be valid only for the country they refer to, because the federal validity ceases to be valid.

So, like any area of functioning that becomes independent, sport is also an area that is legally independent. It depends on each state individually, whether and how many provisions it will keep from the federal legal regulations and whether how much it will incorporate into the independent ones.

Keywords: *union, independence, legal regulations, incorporation, transition*

INTRODUCTION

After the formal independence, the Republic of North Macedonia was faced with a strong challenge, that is, to actually become independent in all areas. It meant that the Republic of North Macedonia completely abandoned the federal functioning and moved to independent functioning in each area. From this arose the need to make an independent legal legislation that would be valid only for its citizens and only its citizens would be subject to the sanctions resulting from non-fulfillment of the stipulated obligations. Things were going in that direction as well. Each area received its own law with special rules, and started literally from the beginning. In a large part of the areas, the Republic of North Macedonia decided to copy some of the provisions that were valid before. It was all done with one and only goal, and that was to start with the functioning of all areas separately, and then to make adjustments as time goes by. As time passed, not all areas developed equally. Some legal regulations were passed earlier, some later. So, the Republic of North Macedonia entered the process of decentralization in all areas. The same thing happened in sports. The law on sports was adopted, the main purpose of which was to start treating all unregulated

issues in the field of sports after the independence of the state. That is how the decentralization in sports began. The Law on Sports has undergone 22 amendments to reach its current version. Of course, legal gaps often occur, which must be reviewed and taken into account, all in order to increase the degree of legal certainty.

DECENTRALIZATION OF THE SPORTS ACTIVITY

One of the basic foundations of the modern development of sports in the Republic of North Macedonia is the acceptance and the execution of the decentralization, for which experts point out that is a process which needs to be realized in a certain period of time, which unfortunately can not be predicted in advance, because of the specifics and the diversity of each environment that condition this process.

The European Council in 1985 formed its views related to the place and the role of the local self-government units and gave them in the thorough document “European Charter of Local Self-Government“ adopted by the European Council the same year. In it for the first time are defined some of the basic principles of modern conception of the local self-government, its anatomy and financial and other relations between the central and local government. The charter emphasizes the importance of the local government, that it represents one of the basic foundation of the democratic organization and that the autonomy of local self-government implies democratic self-governing bodies to make their own independent decisions, to regulate and manage with the work from their competence based on their own responsibility and interest of the local population.

In order to protect the local self-government, in the Charter it is processed and emphasized the situation where the take away and the restriction of the decentralized public works by the central government can be made only in cases procedure provided by law.

Starting from the determination and taking into account the exceptional importance of the determination for the consequential placement of the local self-government units in conditions of decentralization, in Article 9 of the Charter it is insisted on respecting the following principles for securing the financial sources of the local government:

- The income of the local budget needs to be proportionate (adequate) to the expenditures for performing local public functions;
- Part of the financial resources to come from own (local) taxes and non-tax incomes, the amount of which is determined by the local government;
- Transfers(grants) from the central budget should not be earmarked and the discretionary right of the local government to run its own politics in the frame of their competences should not be jeopardized;
- To finance capital investments the local government has the right to be indebted in the domestic financial market.

In 2001, after the adoption of the Ohrid Framework Agreement, The Republic of North Macedonia started the decentralization process, followed by the Amendments of the Constitution of the Republic of North Macedonia, adopted in 2001 and the adoption of the Law on Local Self-

Government in 2002. According to the basic concept, the process of a decentralization should be realized in two phases, where the central government has an obligation to make a transfer of the competencies of 84 local self-government units and the city of Skopje, which is a separate unit and on whose territory there are 10 municipalities.

In the research the basics of decentralization from the legal and institutional agreements are processed and the effects of the process of decentralization in sports. We analyzed the process of decentralization, in all its segments, from the beginnings of the transfer of competencies and resources from central to local level, as determined by Law on Local Self-Government (“Official Gazette of the Republic of North Macedonia” No. 26/02). The beginning was conditioned by the need for harmonization and adjustment of the existing laws and / or adoption of additional laws and bylaws acts and reconstruction, reforming and strengthening the institutions that were included in them.

This approach concludes that the decentralization process can be considered primarily as a technical activity. However, with the transfer of the competencies and the resources, regrouping of political privileges and powers and redistribution of resource control, has emerged as well, from central to local government, which caused additional implications and slowed down the decentralization process.

With the adoption of the Law on Local Self-Government in 2006, a solid framework of the decentralization process in the Republic of North Macedonia was provided. A new page has been opened regarding the reforms of the political stage and in public policy. With it, according to experts the framework of the Ohrid Framework Agreement has been exceeded, where there were a significant expansion of the local competencies and increase of the responsibilities of the 84 municipalities and the city of Skopje, in providing finances for the municipality, education, social and health care, public services, urban and rural planning, environment, local development, sports and culture.

In the period from 1991 to 2002, the municipalities in the Republic of North Macedonia had limited power and were in the service of urban communal services, such as water supply and sewerage, public lighting, drainage, solid waste management, construction, maintenance of local streets and roads and regulation of public transport.

From the conducted surveys and interviews arose the argument that the process of decentralization is also a political process, where the interest and action of political parties, whether in position or in opposition, political programs and will had a strong impact on its establishment. Therefore, the oscillations of the achieved results in certain municipalities and regions are evident. Although the ultimate goal is the independence of municipalities and the provision of stable sources for their functioning, the impact of certain bodies and central government institutions have a strong reflection on the success or the failure of the transferred competencies in a certain municipality or region.

Decentralization processes in the Republic of North Macedonia started in July 2005, and were preceded by numerous reactions and developments in relation to the function of the newly formed municipalities. It all started with a reform in some institutions, ministries and organizations, where there was an urgent, and somewhere even a rushed transfer of civil servants and a reform of some

institutions. Some grave interventions and advanced stages for this process took time and preparation.

The employees, from some ministries were transferred, while the rights of ownership of movable and immovable property were transferred slowly. Our analyzes also talk about slow development and strengthening of the municipalities, which are conditioned by certain decisions and resolutions of the central government, which are the reason for this phenomenon.

Decentralization of sport is a process in which every subject must bear his share of the burden, so that every citizen can be offered to do sports and recreation, and his right and choice is what he will accept from all of that.

The changes in education had an impact. The 2002 Law gave the right to the municipalities to administer, organize and finance the primary schools and the high-schools, in cooperation with the central authorities. The competencies of the municipalities were additionally elaborated in several laws and bylaws adopted in 2004.

By 2010 under the municipalities' jurisdictions there were 339 primary schools with over 18 000 employees, 81 high schools with over 6 600 employees and 25 school dormitories that were transferred. This included real estate rights, equipment, inventory, archives, teaching equipment, documentation and other resources for work. In this segment of the decentralization process, sport is conditioned by human resources and material base that is in the competence of education, and it is used for physical education, school sports and sports.

In the past five years we have faced the rights and obligations that the municipalities received, as owners of the primary and secondary schools, and they were given earmarked grants to pay for the costs of the maintenance of these facilities. In the next phase it was planned for the municipalities to expand their responsibilities so they can pay the salaries for the people working in the educational field. At the end of 2010, 77 out of 85 municipalities met the basic requirements that are part of the second phase.

In the process of decentralization and organization of the country, in which the competencies should be transferred from central to local government, the activity of sport is also located, that in the period from 1991 to 2010, felt the social, political and economic changes that have happened in great measure.

The state responsibility and its contribution in this phase is determined in relation to the upgrading of the legal regulation and the provision of real transfer of competencies of the local self-government units.

The responsibility of the local self-government is to face the obligation to put the individual, i.e. the citizen, in the center of their activities and values.

The decentralization process requires the provision of preconditions for a real transfer of the competencies, given in a legal framework as a starting position in the following period.

Modern sports analysts from several European countries are in an agreement related to the performance of several basic models and principles for sports management. They affirm the models of intervention and non-intervention in relation to provision of material and financial resources, then, the model of centralized and decentralized sports management.

The use of the principle of intervention and non-intervention is present in both forms of management, centralized and decentralized.

Depending on the achieved results, the sports systems are also grouped in two categories, consolidated and non-consolidated system of sports movement, and the previous two types are present in both models.

This indicates that there is no ideal system for leading and planning the activity of sport. Due to, from the aforementioned we can conclude that in certain countries results are given by different combinations, the use of legal regulation and the model of financial support, where the sport is realized in a certain form of competition system. The achieved results in the range of active population with sports and sports-recreational activities, as well as the achieved high sports results, are present everywhere and gave optimal results, thanks to the right choice.

When creating the decentralization of sports in the Republic of North Macedonia, the orientations determined in the two thorough documents of the European Council are followed and used, and that is the European Sports Charter and Code of sports ethics, in which the obligation is sports and recreation to be available to all citizens regardless of age, gender, religion, psychosomatic status, etc. The use of these determinations in the projections for the development of sports in the Republic of North Macedonia is considered as an obligation. The governments that will determine to promote the sport as a significant factor for human development, in accordance with the European Sports Charter, ought to enable the participation of each individual in sport and to protect and promote moral and ethical values, human dignity, and the safety of those who participate in sports. In the preparations for decentralization in the period from 2002 to 2004, activities were realized in relation to the determination of the competencies of the local self-government, performed within the legal framework given in the Law on Local Self-Government.

According to the regulations of the Law on Local Self-Government (“Official Gazette of RM no. 26/02”) and the Operational Program for Decentralization of the Republic of North Macedonia, The Law on Amendments to the Law on Sports was adopted (“Official Gazette of RM no. 66/04”), it was mostly related to the assertion of the competences of the country and the local self-government in sports.

With the additions in the Law of Sports, the interest of central and local government is assessed. In the direction of setting a legal framework for a successful transfer and realization of the competencies, naturally is the preparation of the bylaws regarding the categorization of sports facilities, informational sports network and the establishment of mechanisms for law enforcement monitoring.

The next step regarding this complex process is the real transfer of competencies. We conclude that those competencies are particularly slowly transferred to those in the material sphere.

Sports facilities as one of the most important segments for the function of sports and physical education were subject to constant analysis and following, all in order to increase their number, to improve their functionality, maintenance and equipping in conditions of chronic deficiency of funds. Therefore, in the decentralization of sports and transfer of competencies from the central to the local government, attention should have been paid to sports facilities, in terms of their

management, use and maintenance as well as according to their planned transfer to the local self-government units.

Regardless of the current situation in terms of management, use and maintenance of sports facilities, no solutions were required that would help for all the sports facilities to retain their basic function for sports activities.

Following the laws, numerous competencies are transferred from central to local government, with which in every local self-government unit is enabled the provision of sports and recreational activities to the citizen, depending on his interests and need.

In the period from 1989 to 1997, for a certain part of the transferred competencies the responsibilities of the central and local government were not assessed, which contributed to their neglect. In the limited possibilities of the budgets of the State and the city of Skopje, there were no assessed opportunities for planning of the funds for this purpose. With exceptions, some parts of the activity of sport were supported, but not enough for real achievements and influence. Therefore, in the Law for local self-government (“Official Gazette of RM no. 5/02”) Article 22, item 6, the competencies of the local self-government units in the activity of sports are determined:

“Sports and recreation – development of mass sports and recreation activities; organizing sports events and manifestations; maintenance and construction of sports facilities and support of sports unions”.

With this policy, competencies from the central are being transferred to the local government, with which the provision of sports and recreational activities to the citizen is allowed, depending on his interests and needs.

Changes and additions are made in the Law on Sports (“Official Gazette of the Republic of Macedonia No. 29/02 and 66/04”) for the base of the provisions of the Law on Local Self-Government, in accordance with which, the competencies of the municipalities of the city of Skopje are differentiated, where the competence of the municipalities and the city of Skopje are upgraded and defined in the activity of sport:

- the development of mass sports and recreational activities of the citizens, included in the programs of sports and sports-recreational clubs, in realization of the school and student sports system, sports for all, and especially sports and recreational activities for people with disabilities;
- organizing sports events and manifestations, supporting the system of competitions on a municipal level and the level of the city of Skopje, in certain sports and categories, supporting the traditional sport competitions and manifestations, from national and international character, supporting the schools and students system of manifestation and forms of competitions for people with special needs, as well as the mass sport-recreational activities of the citizens;
- determining the network of sports facilities, their classification, maintenance, use and equipment, planning and construction of modern sports facilities and the determination of the recreational zones for mass sports; and

- support of municipal unions and the City Sports Union Skopje, as the highest form of organization, expressed in the sublimation of the activities and needs of the sports clubs on the territory of the municipality and the city of Skopje, providing spatial, material and personnel conditions for them functioning.

For the realization of decentralization for the activity of sport, the provisions in the Law on the City of Skopje, are also important, in which certain ambiguities were brought additional implications in execution of the decentralization of the sport in the city of Skopje.

CONCLUSION

The competence for the financing of sports clubs and individual athletes in accordance with the achieved decentralization of the Republic of North Macedonia is divided between the units of the local self-government and the central government. Local self-government units, through their funding of successful athletes and sports clubs, aim to further motivate citizens to start playing sports from an early age. Also, through the local self-government units, it invests most directly in athletes and sports clubs, through various types of assistance for organizing events and various sports manifestations. As we can conclude from what we observed earlier, even from the lowest organizational units, there is constant investment in sports, with the aim of affirming the units of the local self-government. Through this type of affirmation of athletes and sports clubs, they later aim to represent the Republic of North Macedonia with pride and dignity at various tournaments and events organized by the state. Investing in sports is not always through direct financial assistance to clubs and athletes. This is also done through investing in the sports infrastructure and awarding of different types, all with the aim of competing for the organization of larger sports events. That is why, continuous investment in sports as a whole, surely gives the desired results and the same should be as large as possible. Sport should be a tool that will allow overcoming all barriers because sport leads to common understanding, joy and unification.

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ЗНАЧЕНИЕТО НА СПОРТА И ТЪРГОВСКИТЕ МАРКИ НА РЕПУБЛИКА СЕВЕРНА МАКЕДОНИЈА

Резюме: *След разпадането или изоставянето на определени съюзи от държави, всяка държава има своя собствена нужда да премине от един начин на функциониране към друг. Преходът от един режим на функциониране към друг се нарича преходен период. Така че имаме подобен период на преход във всички сфери на дейност.*

Когато се споменава период на преход във всички области на функциониране, това означава преход от федерално функциониране към независимо функциониране. Има такъв преход в правното законодателство, тоест, когато даден съюз бъде изоставен или се разпадне, държавите трябва да генерират свои индивидуални правила, на които ще подчиняват своите граждани. Разбира се, тези правила трябва да са нови и да бъдат правила, които ще бъдат валидни само за страната, за която се отнасят, тъй като федералната зависимост престава да бъде валидна.

Така че, като всяка област на функциониране, която става независима, спортът също е област, която е юридически независима. От всяка държава поотделно зависи дали и колко разпоредби ще запази от федералните правни разпоредби и дали и колко ще включи в самостоятелните.

Ключови думи: *съюз, независимост, правни разпоредби, внедряване, преход*

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